

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**IN THE MATTER OF THE APPLICATION
OF LACLEDE GAS COMPANY TO CHANGE
ITS INFRASTRUCTURE SYSTEM REPLACEMENT
SURCHARGE IN ITS LACLEDE GAS
SERVICE TERRITORY**

**v.
OFFICE OF THE PUBLIC COUNSEL**

RESPONDENT,

APPELLANT.

DOCKET NUMBER WD79830

DATE: March 28, 2017

Appeal From:

Public Service Commission

Appellate Judges:

Division Two: Cynthia L. Martin, Presiding Judge, Lisa White Hardwick, Judge and Alok Ahuja, Judge

Attorneys:

John D. Borgmeyer, Jefferson City, MO, for respondent Public Service Commission
Rick E. Zucker, St. Louis, MO, for respondent Laclede and MGE.

Marc D. Poston, Jefferson City, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

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No. WD79830

Public Service Commission

Before Division Two: Cynthia L. Martin, Presiding Judge, Lisa White Hardwick, Judge and Alok Ahuja, Judge

The Office of Public Counsel appeals from the Missouri Public Service Commission's report and order approving two petitions filed by Laclede Gas Company to change Infrastructure System Replacement Surcharges in its Laclede Gas service territory and in its Missouri Gas Energy service territory. OPC argues that the report and order is unlawful and unreasonable because Laclede's petitions included estimated costs for two months of infrastructure improvements, and the actual cost information for these improvements was not submitted until after Laclede's petitions were filed.

AFFIRM.

Division Two holds:

- (1) In *Matter of Verified Application & Petition of Laclede Gas Co. v. Office of Public Counsel*, 504 S.W.3d 852 (Mo. App. W.D. 2016), we concluded that the ISRS statutes and regulations do not prohibit the inclusion of budgeted cost expenditures in ISRS petitions and do not prohibit the supporting documentation to be updated as the information becomes available.
- (2) Substantial evidence supports the Commission's finding that the PSC Staff had adequate time to review Laclede's ISRS petitions.

- (3) OPC and PSC Staff were given the same amount of time to review information provided by Laclede, but OPC made no effort to audit Laclede's supporting information. OPC failed to establish that it was denied the ability to protect the public's interests.

Opinion by Cynthia L. Martin, Judge

March 28, 2017

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